



# Flathead County Planning & Zoning

40 11<sup>th</sup> Street West, Suite 220 Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



## **PETITION FOR ZONING AMENDMENT**

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$** 975.00

### **APPLICANT/OWNER:**

1. Name: Tara Oster Phone: 208-304-3805
2. Mail Address: 307 Chapman Hill Rd
3. City/State/Zip: Bigfork, MT 59911
4. Interest in property: Owner

### **Check which applies:**



Map Amendment



Text Amendment:

### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Email: \_\_\_\_\_

### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: 307 Chapman Hill Rd, Bigfork, MT 59911  
B. Legal Description: Tract 1 C.O.S 11767

*(Lot/Block of Subdivision or Tract #)*

25 -27N -20W

Section Township Range *(Attach sheet for metes and bounds)*

- C. Total acreage: 1.001

- D. Zoning District: Bigfork

- E. The present zoning of the above property is: R-3

- F. The proposed zoning of the above property is: R-1

- G. State the changed or changing conditions that make the proposed amendment necessary: To allow for the keeping of livestock; specifically, one horse and one donkey.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

SEE ATTACHMENTS "A", "B", & "C"

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
  - a. Secure safety from fire and other dangers?
  - b. Promote public health, public safety and the general welfare?
  - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
  - a. The reasonable provision of adequate light and air?
  - b. The effect on motorized and non-motorized transportation systems?
  - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
  - d. The character of the district and its peculiar suitability for particular uses?
  - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

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*The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.*

  
\_\_\_\_\_  
Owner/Applicant Signature(s)

11/19/20  
\_\_\_\_\_  
Date

## **Petition for Zoning Amendment**

Owner/Applicant : Tara Oster

Subject Property Address: 307 Chapman Hill Rd, Bigfork, MT 59911

### ***Attachment "A"***

#### ***Metes and Bounds***

Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 25, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana; Thence N00°36'16"W and along the west boundary of said SW1/4SW1/4 and along the centerline of a 60 foot county road known as Chapman Hill Road a distance of 680.67 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence continuing N00°36'16"W 134.53 feet; Thence leaving said centerline EAST 324.13 feet to a set iron pin; Thence S00°36'16"E 134.53 feet to a set iron pin; Thence WEST 324.13 feet to the point of beginning and containing 1.001 ACRES; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

NOV 19 2020

## **Attachment "B"**

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

*Yes, I believe this zoning amendment is in accordance with the Bigfork Neighborhood Plan contained within the Flathead County Growth Policy as adopted by the Flathead County Commissioners on June 2, 2009. The area in which the property is located has been indicated as "Suburban Residential" per the Bigfork Neighborhood Plan. Suburban Residential zoning designations include R-1, RC-1, and R-2.5 and are described as moderate population density. Furthermore, the proposed change would not have significant, if any, impact on wildlife, wildlife habitats, and natural resources in the area. My desire for altering the land use of the property will keep in line with the Plan and the importance of sustaining a healthy, vibrant community.*

2. Is the proposed amendment designed to:

a. Secure safety from fire and other dangers?

*Yes. The proposed zoning change does not affect safety from fire and other dangers. The subject property is located within the Bigfork Fire District and is located approximately 0.8 miles from the Bigfork Fire Hall located at 810 Grand Dr. The subject property is not located within the 100-year Floodplain.*

b. Promote public health, public safety and the general welfare?

*Yes. The proposed zoning amendment does not substantially affect the public health, public safety, or general welfare. The property is accessed by paved Chapman Hill Rd and is easily accessible by police, fire, and medical services. The proposed amendment does not affect the access of these services to the surrounding properties. The property possesses its own well and septic system.*

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

*Yes. The proposed zoning amendment should have no impact on the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The proposed amendment would simply adjust the allowed number of homes from three to one per acre. As the property has its own well and septic system, the property will place no additional burden on local utilities or other public requirements.*

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

*Yes. The proposed zoning change will have minimal impact in the provision of adequate light and air. The property is lightly treed. The change in land use will have no impact with regard to*

*adequate light and minimal impact with regard to air quality to the surrounding community. The property will be maintained by way of a drag harrow to manage animal waste and minimize impact on air quality.*

b. The effect on motorized and non-motorized transportation systems?

*Yes. There will be no impact on motorized and non-motorized transportation systems. The property, currently designated as R-3, only has one residence with two occupants. Changing the designation to R-1 will not increase motorized or non-motorized transportation on Chapman Hill Rd.*

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

*Yes. The property sits within the medium population density Suburban Residential designation as shown in Map 10 (Future Land Use Map) of the Bigfork Neighborhood Plan. Per the plan, the Suburban Residential designation includes R-1, RC1, and R-2.5 zoning. As the property sits outside of the Urban Residential and Commercial designations, it will have no impact on urban growth in the Bigfork unincorporated community. The property is not located near any municipalities.*

d. The character of the district and its peculiar suitability for particular uses?

*Yes. The proposed zoning amendment fits the character of the Bigfork area and its peculiar suitability for particular uses. As previously indicated, the property sits within the Bigfork Neighborhood Plan's Suburban Residential designation. Under the section "Housing Goals and Policies" of the Plan, P.6.2. states: Suburban Residential densities should be located in areas with paved roads, convenient access to commercial services, public services and facilities, and should have minimal environmental constraints. The proposed zoning change to R-1 fits with the Plan's "Housing Goals and Policies."*

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

*Yes. The proposed amendment will conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area. The proposed zone change to R-1 and the allowable land uses more closely align with the majority of the nearby properties which include several parcels of Suburban Agriculture.*

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

*Yes. Though the proposed zoning amendment is not near any municipalities, it is compatible with the zoning ordinances of the Bigfork area. The zoning of properties in the near vicinity on Chapman Hill Rd include Sag-10, R-1, Sag-5, R-2 PUD, and RC-1. The nearest other properties zoned as R-3 are located in the area of Beach Rd. The proposed change to R-1 would be a more appropriate designation of the property when considering the zoning of the nearest properties on Chapman Hill Rd. The property in question is bordered by Sag-10 to the south and R-2 PUD to the north and east. The property adjoining the R-2 PUD to the north is designated SAG-10.*



## **Attachment "C"**

### *Additional Considerations*

*The request for the zoning change comes about due to a complaint with my property. This is my first home purchase, and though it is no excuse, I misunderstood the zoning document when I initially looked at the designation for R-3. I purchased the property located at 307 Chapman Hill Rd for the sole reason of being able to move my animals to my own property and to no longer spend additional money for boarding fees. The real estate agents involved were all aware of my intentions and I assumed they were more well versed in the zoning ordinances than I. I did not realize the R-3 designation did not allow for livestock until a complaint was filed on 11/4/2020. I have read the complaint and wish to respond.*

*The complainant is a real estate agent, and not a resident of the area surrounding my property. The focus of the complaint was due to potential smell from the animals, thereby preventing the sale of real estate bordering my property. I have received no in-person complaints from any of my neighbors thus far. I recently purchased a lawn tractor and drag harrow, which will allow me to spread the manure on a regular basis, cutting down on the odor. The property is partially fenced now, and I have plans to fence the rest of it, should the zoning amendment be approved. There are only two animals, which fits in-line with R-1 zoning. With the additional fencing, regular dragging of the field, and more room for the animals to move, I do not believe the neighbors will be adversely affected by the presence of livestock. In fact, I've had multiple neighbors directly adjacent to me as well as from the nearby housing development who have said they like seeing the animals. Neighbors have told me they walk into the vacant lot to the north of my property in order to pet them or feed them treats.*

*I have plans to increase the value of the property by remodeling and adding onto the residence. As it is likely the least valuable property in the vicinity, the improvements I make will only serve to add value to my property as well as the neighboring properties. I am conscious of what my neighbors think and will continue to do what is necessary to foster a positive relationship with them.*



